

APC MINUTES

January 21, 2026

Members present: John Reece, Tom Kerns, Don Calhoun, Coy Applegate, Jim Hufford, Jason Brewer, Steve Hernly, Amy Alka

Members absent: Adrian Moulton, Todd Holaday, Will Greer, Terry Alfrey, Abby Journey

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director and Kristi Halloran, Recording Secretary

Others present: Ed Thornburg, Claudia Thornburg, Stephen Stoltzfus, Charles Price, Judith Price, David Fisher, Missy Williams

President Calhoun: I'd like to call the meeting of the Area Planning Commission to order. Everybody got a copy of the minutes. Is there anything that we need to discuss in the minutes?

J. Hufford: I'll make a motion that we accept the minutes as presented.

Vice President Applegate: I'll second.

President Calhoun: It's been moved and seconded to approve the minutes from the November 19th meeting. All those in favor say "Aye".

All: Aye.

President Calhoun: All those opposed, "No." Next on the agenda is the election of officers for 2026. Right now current president Don Calhoun, that's me and vice president is Coy Applegate. Is there anybody that wants to take these positions? Or I'm willing to serve again for the next year. Are you?

Vice President Applegate: Yes sir.

President Calhoun: I guess we need a motion.

J. Hufford: I'll make a motion we retain the two officers as presented.

T. Kerns: Second.

President Calhoun: It's been moved and seconded that we retain the 2025 officers. President Don Calhoun and Vice President Coy Applegate. Election of appointments to the BZA. Must be a citizen appointment.

J. Welch: Did you have a vote yet Don, on that?

President Calhoun: I guess not. All those in favor of the current president and vice president say "Aye".

All: Aye.

President Calhoun: All those opposed “No”. Motion passes. Now for the election of the appointment of the two BZA. County citizen member to the BZA. Eligible members are Don Calhoun or Abby Journey. I'm willing to serve again unless somebody else could.

J. Hufford: I'm willing to serve again too unless somebody wants it.

Vice President Applegate: I make a motion to leave the BZA member appointees as is.

T. Kerns: Second.

President Calhoun: It's been moved and seconded to keep the BZA appointments as is. All those in favor say “Aye”.

All: Aye.

President Calhoun: All those opposed “No”. Motion passes. I guess we need to recognize the appointments to APC for 2026. Do we need to vote on these?

D. Johnting: No, those are just the appointments to the APC for this year.

President Calhoun: So we just recognize them?

D. Johnting: Yes.

President Calhoun: School superintendent member, Adrian Moulton. Small town advisory council member, Will Greer. Mayor appointment from Winchester, Coy Applegate. Next our attorney contract. We need to vote as to whether we want to retain Jason Welch as our attorney.

J. Welch: I have to disclose that I'm also attorney for Farmland and Losantville just like in previous years. So, there's a conflict of interest disclosure that has to be presented prior to consideration of the contract. The contract is the same as last year.

President Calhoun: Is there any discussion on retaining Jason?

T. Kerns: I'll make a motion we retain Jason and approve his contract and accept his disclosure statement.

Vice President Applegate: I'll second.

President Calhoun: It's been moved and seconded that we retain Jason Welch as the attorney and the conflict of interest disclosure statement. All those in favor say “Aye”.

All: Aye.

President Calhoun: All those opposed “No”. Motion passes. Now on other business. We have a petitioner Stephen Stoltzfus. If you want to come up.

J. Welch: You might want to let him know Don that we only have seven so it takes a unanimous vote?

President Calhoun: Okay. Petitioners will have 15 minutes to present their petition. During this time there will be no interruptions or questions. After the presentation the board may ask questions. Anyone wanting to speak for or against will have three minutes each and then the petitioner will have an additional five minutes to respond to comments. Have all the notices been sent out?

S. Stoltzfus: Yes.

President Calhoun: Okay. So if you want to state your name.

S. Stoltzfus: Stephen Stoltzfus, my address 5301 East 900 South, Lynn.

President Calhoun: So, you're wanting the request to rezone A-L to C-3 to build a roofing business.

S. Stoltzfus: That's right yeah.

President Calhoun: Tell us all you're wanting to do that.

S. Stoltzfus: So I bought this 32 acre piece of property there on south 350 East and 8488 is the new address for that property. I'm wanting to request to rezone a portion of that property from A-L to C-3 so I can build a commercial building to move my metal roofing business into. A little bit about the business. Business hours are from 6:00 a.m. to 6:00 p.m. Monday through Friday. It will be a couple of employees that will be in the building and the office full time. The rest of the employees come in for approximately about half an hour every morning and then they leave for the job site. And then not every day depending if they're bringing stuff back but there are days at the end of the day they'll return to the shop to bring trailers back or materials and then leave for home. There's not a lot of traffic in and out. Occasionally there's customers or deliveries but 90% of our work is done at the customer's house. So that's yeah a little bit about the business. I'm not intending to rezone the entire 30 acres just a portion of it. I'm thinking it's approximately three to four acres. I think that about covers it.

D. Johnting: And the business is at your home now.

S. Stoltzfus: Currently is at my home.

D. Johnting: So you never get to really go away from the business.

S. Stoltzfus: Eleven years ago I started this business and we've been very blessed and it's grown and it's time to move it away from home. So that's the plan.

President Calhoun: Does any of the board members have any questions?

J. Hufford: This is just strictly storage for your materials and stuff so they can pick them up? There's no manufacturing or any cutting anything like this going on?

S. Stoltzfus: No manufacturing, and it will be storage for materials and our trailers and our equipment. We have portable roll formers that we take out, like in trailers that we take out to the job site to manufacture that product on site so it would be storage for that plus offices.

J. Hufford: When are you planning on building your building?

S. Stoltzfus: Hopefully this spring is what I'm hoping. I don't know.

President Calhoun: Is there any other questions from the board members? Is there anyone in the audience that would like to come up and speak for or against this petition? Seeing none.

T. Kerns: I've got a question on a commercial building like this compared to residential. Is he required ahead of time to get a septic permit and what's the requirements for septic for a building like that.

D. Johnting: He'll have to have a septic there for the offices.

S. Stoltzfus: That's in process.

T. Kerns: Is that in process now?

S. Stoltzfus: Commercial septic.

T. Kerns: Commercial septic.

D. Johnting: And there'll be a state release for the building even though not very many employees.

T. Kerns: Since its commercial they need a state release and a state permit.

S. Stoltzfus: The prints for the building are currently at the engineer's office.

T. Kerns: And the state won't release that without a septic permit and a commercial permit and all that also.

D. Johnting: And this is in Ag. It's not allowed in AG but it is an allowable use in Commercial. The closest neighbor, the Moores, came in and they've seen a drawing of this. The end is 72 wide and is 80 feet from their property line. So, if they put crops in that 80 feet, they won't even see the building. It's going to be 200 feet off the road so it's going to be kind of tucked back in there.

T. Kerns: The only other concern I would have on that is going to a C-1 where it would it would be some type of we do it. Where it would be if he closes his building there revert back or if we?

D. Johnting: Zoning doesn't revert back unless you put a condition on it.

T. Kerns: There's nothing we can do with that?

J. Welch: You can put a condition on it.

T. Kerns: That's basically what I was getting at. Whether we needed some type of condition. There's a lot of things allowed in C-1 that that wouldn't necessarily be appropriate for out there?

D. Johnting: Right. If you would ever sell the business he would want it to continue because he builds up his business. Someday he's not going to want to do it. He might want to retire. So if he

sells it to someone they want to be able to take over and have the same business there. But for it to revert back you would just have to put a condition on it.

T. Kerns: What would be appropriate Jason for a condition looking at something like that to limit it?

J. Welch: Well if you were going to have it revert back, practically I haven't seen any of those actually revert back yet in 13 years since I've been doing this. It has to go on the deed so it would have to be a restrictive covenant put on the deed. So, I think this is a C-3 instead of a C-1 so it's not quite as much as what you were thinking. So, Ag Limited I don't know that would be too out of line. You can put a clause where it reverts back upon his sale or upon a change in the use of the property but then somebody's going to ...

T. Kerns: Start over again.

J. Welch: Down the road. So it can happen but I don't know that it's always a good idea. I guess is what I'm saying.

T. Kerns: I was looking at C-1, but it's C-3 so it's a lot more restricted.

S. Stoltzfus: One thing I might, maybe I should point out Debra is this building size change from 64 feet wide to 156 feet long instead of the 72 by 170.

D. Johnting: 64 by 156 feet.

S. Stoltzfus: That L 60 by 72 that did not change.

D. Johnting: Okay, so you went a little bit smaller.

S. Stoltzfus: We have to do that because of the 12,000 square feet is the max without a sprinkler system. And I did not want to do that. I think the state that requires that it's over 12,000 square feet then you need a sprinkler system. I didn't want to go to that.

President Calhoun: Any other questions? I would accept the motion.

J. Hufford: I make a motion to give a favorable recommendation.

J. Welch: If there would be no recommendation, he could still go with no recommendation. There's not seven so he still goes.

President Calhoun: The motion would be for a favorable recommendation, is there a second?

Vice President Applegate: I'll second.

President Calhoun: We need a roll call vote.

K. Halloran: Amy Alka, yes. John Reece, yes. Don Calhoun, yes. Tom Kerns, yes. Jim Hufford, yes. Jason Brewer, yes. Coy Applegate, yes. Favorable recommendation.

S. Stoltzfus: Thank you.

D. Johnting: So, we'll go to the commissioners.

K. Halloran: And those dates are on that red folder I gave you.

D. Johnting: The first meeting will be February 2nd at 9:00 o'clock.

S. Stoltzfus: That's at the courthouse. February the 2nd.

D. Johnting: Yes.

S. Stoltzfus: Is that everything? Alright, thank you. I appreciate it.

President Calhoun: Now the next one is 2026-1-A, amendment to remove the restrictions on owners of residential lots in Ag Limited and Ag Intensive zoning districts from being permitted to seek a variance from the current lot size requirement of at least two buildable acres.

D. Johnting: Okay, so this is not the first time this has happened but we have a customer who has a two-acre lot with a mobile home and a house on it and they wanted to tear down the house and build a different house for a family member. And the way the ordinance is worded, more places than what I realized, is that Article II if you get a chance to read through that is pretty much almost every article discusses nonconformance/non-conforming lots once the house is torn down it becomes a conforming lot. That's what we're going for. I mean within reason that's what our goal is to become conforming to the development standards that we have in the ordinance. So, with there already being a residence there we had to say no because you're non-conforming. It's legally established because the house is very old. The mobile home was put there probably before this standard existed, before you needed two acres. So once the house comes down the lot is conforming and we can't let them go back to being non-conforming. In the instance where it becomes non-conforming I'm not allowed to give out a location permit because now they have what everyone has, what everyone's goal is one house on two acres. Technically nothing's been taken from them. Things change and as you move forward to a goal of one house on two acres we were obligated to say no because of pretty much that whole Article II. Residential does not say you can't get a variance. Ag Limited and Ag Intensive say no variance. So, we said well it was taken to the commissioners and the commissioners suggested that we write an ordinance and just take out the words no variance in Ag Limited and Ag Intensive. Well, as we started looking through the Zoning Ordinance it's kind of, like Kristi called it, it's like dominos. One thing happens and another thing happens and another thing happens. Especially in Article II Effects of Districting and General Regulations, conformance is required. Once there is conformance you can't go back to nonconformance. Once the structure is more than 60% destroyed you can't rebuild it. A non-conforming lot size can't be reduced below the standards and our standard right now is two acres. And after a year of discontinued use you couldn't rebuild something anyway so we have basically one whole article that says the law is legally established non-conforming when you tear down one of the houses or if the house were there and you remove the mobile home, it becomes conforming. We're not saying no you can't have anything we're saying you have what the goal is one house on two acres. So, in reading through the variance wording as well. And you guys on the BZA know this as I was reading through I'm thinking well the variance is very specific and it says you have to fill out a ballot that says "strict application of

the provisions of the Unified Zoning Ordinance would result in practical difficulties that the use of the property". Well strictly it's two acres and there is one residence and that is what we allow. So that section is physical surroundings, shape, topographical conditions. You can't build something because of the way things are shaped on a lot. This doesn't mention lot size. It also says that it wouldn't be applicable to someone else. Well I have one house on two acres, and a lot of people have a house on two acres. And it says it can't be created by any person presently having an interest in the property. So, I'm not sure how the BZA would justify this to do a variance as it reads there, not that we can't change it all. I thought well maybe it's a conditional use because this is more of a use but everything goes back to our standards and our standard is two acres. I thought well maybe it's a special exception. We can say we could approve a variance or approve two houses on one lot and everything says it goes back to the "developmental standards applicable in the zoning district at the property included". So maybe the variance should be...the Commissioners have requested that we try to fix this so that everyone has a chance. to go before the BZA and say I have two acres and I want two houses on them or maybe I have three acres or maybe I have three and a half but I don't have enough for two houses. And I want a variance to the lot. We can remove that you can't get a variance but, there are so many other references to developmental standards in there we have to change those as well. It's not quite that easy there are so many other things you're leaving to the BZA to determine. What should it be reduced down to? Are we going to say somebody comes in with three-fourths of an acre and they're going to put two houses on it or in this situation there are two residences there now, eliminate one and put one back or put one on, so the result is two residences. The saving part of this I highlighted Article X Enforcement is that before they can be built the septic system for each one. They can't get a permit to build that second house if a septic system won't fit. Every residence has to have its own septic. They can't share a septic. So that is the good thing, is that the BZA doesn't have to decide okay, you can build two houses there but you know then the health department says well I'm sorry but it's only big enough for one septic system so you can't do it. Well, just because you get a variance or conditional use or whatever it is that's where the control is. It's really with the Health Department. However, you just need to figure out where do you want to what needs to be changed so that this can happen. If you come to the BZA and you want to build ten feet away from the line instead of fifteen, that's a pretty simple request. The BZA has to see what's next door and what you want to build and sometimes they say no. Recently we had one that was too close and it was a residence and they had to say no. This is one of our biggest, most important development standards that you get a variance to and not having any restrictions in the Unified Zoning Ordinance leaves it all up to the BZA. So how far down can they go? I mean we're not doing it just for this property. This is just an example. Once we change it, it will be for everyone or else we'll change it just for this one. We have to look at it when you change it, you change it for the whole county.

T. Kerns: What we were looking at when it was brought to us at the Commissioners wasn't to change it so that anybody could come in and say I have an acre or an acre and a half lot I want to build a house it was for replacement only and then also if somebody has a house on an acre and a half and the tornado comes and takes more than 60% damage.

D. Johnting: They can do that now. The part about them not being able to build. I don't know where that came from. They can do it now.

T. Kerns: That was told to us where they couldn't build.

D. Johnting: If it's over if it's over 60% of value destroyed right now it says you can't rebuild that house. But you can a new house exactly on that lot. If a tornado took my house off its foundation I wouldn't reuse that foundation. I wouldn't want to, because it was twisted off.

T. Kerns: But can you rebuild on that lot if it's under two acres?

D. Johnting: Oh absolutely. It's a lot of record. Yes.

T. Kerns: Okay.

D. Johnting: As many times as it's destroyed.

J. Welch: Was the intent of the Commissioners then more to say that if there's a house that comes down you can rebuild in the same footprint?

T. Kerns: Not necessarily the same footprint either but basically if there's an existing house, we want them to, somebody wants to upgrade or rebuild a new house at where there's an existing house we want to say yes you can rebuild that.

J. Welch: That's a lot different than just saying no variance.

T. Kerns: Right and right now.

J. Welch: That's a much simpler thing.

T. Kerns: And right now that you know they can't even go to BZA and say that. So, if they take that house down it's non-compliant. Then they cannot build. So, you know this is one circumstance in one lot but like Debra said...

J. Welch: Sir, you'll have citizen comments in a moment. This isn't your time to talk.

T. Kerns: So, yeah this is just one lot, one circumstance but obviously if we're changing it we're not changing it but one lot and one circumstance we're changing it for whatever. We really don't want it so that anybody that has a one acre lot or two acre lot you know can go to BZA or one and a half acre lot can say I want to build a new house on this lot.

J. Welch: Really the whole purpose of this.

T. Kerns: The only circumstances we're looking at is to replace an existing house or in and we thought with the damaged house like somebody's house caught on fire is over 60% but you can rebuild.

D. Johnting: You can. Yes.

J. Welch: That's a little bit different situation.

T. Kerns: Right.

J. Welch: The reason they put that in there is because they want to, they want a goal in 100 years of having all two acre lots, so if you start picking and choosing and leaving the, letting you rebuild those houses then you're never going to get there. You're going to have a lot of one acre, one acre, two acre. You're not going to have any conformity and that's kind of why they have the Zoning Ordinance set up. Unified Zoning Ordinance so everything is going to be the same. It's not that it can't be changed but it kind of guts the purpose of the Ordinance by doing it that way. That's a different fix than just saying no variance which is what we originally heard that they wanted to make note so there's.

D. Johnting: Right.

J. Welch: We could get a variance so that's totally different if the variance is only for a rebuild, I think that's a different issue. Do you agree Debra?

D. Johnting: Yes.

J. Welch: That's not what we understood this to be.

T. Kerns: And that's where I would look at I don't I don't want a variance for somebody to come in and build on a one acre lot.

D. Johnting: What if this lot were not two acres? What if it was an acre and a half or an acre and they had two houses and they wanted to tear one down and rebuilt it?

T. Kerns: I have trouble telling somebody they can't replace their house or upgrade their house on their lot if they already have a house there.

J. Welch: And it's going to make it nicer.

T. Kerns: It's going to be an improvement. We have that circumstance in another county where I have properties and the properties if it has a house on it it's grandfathered in. And it's the same here if you tear it down and it sits empty for a year you're done. You can't rebuild there.

D. Johnting: Well you can have a house there and that is, that's the goal is for they'll have what everybody wants is one house on two acres. They'll have two houses on two acres. The next thing is, the thing that I deal with all the time more than this is what happens when things change and I'm telling you today it's carved in stone this is what we're going to do and five years from now well they moved away and this happened and that happened and now we need to split it off because we want to sell that off. We're creating a situation that we cannot split unless we change the Subdivision Ordinance.

J. Welch: So, they could rebuild the house for example under your scenario but you can't sell it off.

T. Kerns: You can't sell it then the mobile home and the house. They have to stay together. The two houses cannot be sold off.

D. Johnting: And when the time comes and as I get older and more informed because my surgery, and a broken arm and everything. Someday it's not going to be the same people living there. You know, maybe mom and dad are gone. And son lives there and their kids may say hey I want to build a new house there. Okay so there's mobile home there it's a residence. We don't care what it is. If it's residence, it's a residence—mobile home, double wide, modular, stick frame, barndominium—we don't care. It's a residence, it can be rebuilt. So, you take that away you rebuild it but I can't get a loan in my name because the property is not in my name so we need to split it and we can't. So, we're creating another situation that I would like to figure out a way to undo because I have properties in the county that are for example, a church and residence. They've made the church into a residence. Two different people want to buy them and we can't split them because they're not big enough.

T. Kerns: But we're not really creating that here because it already exists. Is what I'm saying?

D. Johnting: It wouldn't after they tear it down though. That's the glitch. Once the house is gone it's a conforming lot.

T. Kerns: But they did not tear it down.

D. Johnting: But that's the intent. I can't put three houses on two acres. Well I could, because on 27 North there are two properties for sale that had three residences on it not that long ago. They could come back and ask for this and the BZA can always say no but you know. That's the discretion of the BZA.

T. Kerns: I still struggle with letting somebody replace their house on their own lot and upgrade it.

D. Johnting: Well and this isn't a house that someone is living in right now. And it doesn't matter it's been I don't know how it's going to be. I mean I know he wants to speak but anybody say the house has been torn down for 5 years. They should still qualify because there were two houses on that lot of record. If there's a lot of record out there the house. Actually might have, who's Kevin to you? Are you related to Kevin?

T. Kerns: He's my brother.

D. Johnting: Okay, I think it was his lot. There was a house there forever ago. Was torn down and buried. And he sold it. A smaller lot. It was a lot of record and they built a house on it and that house hadn't been standing for awhile, for years. They put in a septic system and they built a house on about half an acre.

T. Kerns: I know where that it.

D. Johnting: So, it doesn't matter if it's still standing. It's a lot of record and we knew that it was.

T. Kerns: So, there's two houses here so there's a lot of record. It's all there it's already there so they.

D. Johnting: But two houses on two acres is not conforming.

T. Kerns: Well, that half acre wasn't conforming either. The house that you explained to me that then they would be able to build because there's a that's a lot of record already for two houses. On that property each one each lot would already be a lot considered a lot.

D. Johnting: But they only put one house back.

T. Kerns: Well, technically there's, I mean technically there's two lots there even though it's.

D. Johnting: One house on one lot is conforming.

J. Welch: The next step is the problem when they, when you have two houses and then they want to split it.

T. Kerns: Right.

J. Welch: So, rebuilding houses isn't really a problem but unless you split it you're going to close neighbor for a long time.

T. Kerns: One family member or guest house or whatever you want to call it.

J. Welch: I mean we're not talking about one specific situation and changing this. This is for everybody. So well I guess what Debra wanted is some kind of direction on which way to go to try to put something together so we understand exactly what the commissioners were intending because just putting the saying "you're allowed to get a variance" doesn't necessarily help where we are.

T. Kerns: Right, and that was what was discussed in the meeting and I think. Missy is here, she can do. That you know there was an existing house there and they could not upgrade or replace their existing house. And we didn't think that was right. So, they could not replace their existing house.

J. Welch: See the commissioners would like us to reword something to allow someone to replace an existing home even on a non-conforming lot.

D. Johnting: That wouldn't need a variance.

J. Welch: That wouldn't need a variance if we put it in the ordinance.

T. Kerns: Right now not necessarily replacing it and when I say replace they don't have to use the same exact footprint. Correct?

D. Johnting: Sometimes that's a big deal and sometimes that's not a big deal. Sometimes I get hammered because they can't put it right back where they had it because even if it's over the line on the neighbors property and then other times well we don't want to put it back there and it's not for the same person but we want to put it on that lot somewhere.

J. Welch: We ran into that with the tornado. There were a lot of houses that were either on the line or and so we had to change everything so they could rebuild it just from that specific instance.

D. Johnting: Stepping all over fire code.

T. Kerns: Yep, yep. But yeah that was pretty much if you have a house there we wanted them to be able to replace or build a new replace the house there on there.

J. Welch: That's what you want that's what you wanted the APC to consider.

T. Kerns: That's what we was wanting to be considered.

J. Welch: We can get something drawn up on that for the next meeting and see because that I don't know that it would require a variance if we just change that language but I'd have to think on it a little bit.

T. Kerns: Okay and then the other thing was brought up was the thing about the 60% if actually if they can build no matter what anyways so that's.

D. Johnting: And it's not so it's not size it's value and that's more of an insurance coming from the insurance as well. If you've had a fire that has gutted 60% of your house do you really want to try to carve out a corner and salvage that and try to tear off what's been destroyed and build a new home? Or, just tear it down and rebuild?

T. Kerns: Right.

D. Johnting: I mean. I wouldn't, and if the tornado took it I definitely don't want foundation that's been, that's had a house ripped off of it.

T. Kerns: But they can rebuild on those lots.

D. Johnting: Oh absolutely and sometimes on the same foundation if they get an engineer's report that the foundation is viable to build on it again. Honestly, when given the opportunity most people don't want the same house they had before. They can't wait to redraw it, and say well I want the bathroom over here and I'm like this and I didn't like that.

T. Kerns: Yes obviously they're building and they're still restricted to what you get like you said before by septic I mean it's not like if you have a two bedroom house and also you want to go here on the other side and build a four bedroom house you're going to be able to do that because you're going to be restricted on what's you know what's available acreage in that house and how a septic can be placed.

D. Johnting: So, two houses on a two acre lot or an acre lot say there's two houses on an acre. We'll pick on a is non-conforming legally established we'll have to know that it was built and it should have been built before 2017. But rebuilding it in this wording makes it non-conforming.

J. Welch: I think we can work with that if that's what the intent is. We'll have to put some thought into it but that's not as nearly as big of a change as what you're told, what we thought it was going to be.

D. Johnting: If you go from legally established non-conforming to conforming and then back to non-conforming and the insurance company knows you won't get insurance. The bank won't loan you money. I mean you want your lot to be if it's non-conforming it has to be legal when you did it. That's grandfathered, that's the bankers term the insurance term for non-conforming. They don't like to hear that they want to hear that you were legally established whether you're non-conforming or not. The other thing is still, still is that if they ever want to separate those they can't. Not right now. Now that's where I'd like to see a variance on whenever we start talking about that. Because that destroys somebody's property values. When they have, they want the house they're living in they don't want the other house they desperately need to sell it and they can't sell it off. Because they can't parcel it and nobody wants to live there in a house that's in somebody else's name. That causes a lot more trouble.

J. Hufford: It's like Jason said we could probably fix this one and start with one on the next meeting but how about all the other ordinances and stuff that's non-conforming of you said it's a domino effect. Should we take those on also eventually and just take the time?

J. Welch: I think if we narrow it just to replacing a home that is non-conforming that's going to be a totally different situation than the no variance thing. It's going to be pretty narrow and pretty easy to construct.

J. Hufford: I hate for us to do that and the other one has to set. And do what we just did.

D. Johnting: In that case we want to keep the no variance which would eliminate your scenario of somebody walking in saying, I want to build a house on half an acre. But I mean here's the thing. I approve all the parcel splits so nobody 's going to get through with the buildable lot of less than two buildable acres now. They can't record it unless I stamp it.

J. Welch: So basically there's a residence there before 2017 you want the ordinance written that it can be rebuilt or improved regardless.

T. Kerns: And it that has to be replaced you have to be replaced.

J. Welch: Rebuild, replaced and improved.

T. Kerns: So, the other resident would have...

J. Welch: As long as that meets set back requirements.

D. Johnting: Right and be conforming. Be legally established non-conforming. Stay the same.

J. Welch: It stays the same, it's going to stay the same.

D. Johnting: As long as it's legally established.

T. Kerns: As long as it's legally established.

D. Johnting: Because it is still technically non-conforming but that doesn't matter they know that you know how much acreage you have. You know how many houses you have on it. All the bank wants to hear is legally established, and for insurance.

T. Kerns: If you want to take some public comments now just so?

President Calhoun: You want to come up now?

D. Fisher: Sure.

D. Johnting: We can kind of resolved it while you've sat and waited and believe me this is better than a variance because truly you never know if you're going to get approved.

D. Fisher: Well, I'm one of those she was talking about. I'm David Fisher and I live at 10171 South 300 West. So, what it is, we are not wanting to split it. My son is going to end up with the entire property and we're going to take the proper channels to do that. We just want to continue living there as long as we live. And that's all we're asking. That's what my parents and us did. The place we've lived there for over 38 years on that. I've been there all my life because I grew up in the original home but for 38 years the two homes have been there. So, yeah, so we just we didn't know anything was changing and so when my son approached and wanted to know if they could tear down the existing home and then build a new home. They didn't want to build in that exact spot though which what they want to build is even further away from us than that house there is. So and I didn't know anything changed I didn't really see a problem with it so until we started looking into it because we want to do things right we want to do things that's legal and that's what we're trying to do. The problem is we run into this issue and we didn't know so. The place to answer some questions. Because I was listening very carefully. The place has been empty since May. Last May it needs rebuilt or it needs, because it's got it's got foundation five cracks in the foundation and sinking on one side. All the plumbing is bad, the electrical is out of date and by the time you try to go in and fix all that you're looking at money that you might as well just build new. That's where we're at and that's what we're looking at and I'm nobody's enemy here I'm just asking for some help so we can do it because it's obvious what we were wanting to do is leave the land to our son and he just asked since he was going to inherit could he build a new home and at his age I understand wanting to do it because he's at the right age where he could you know have it paid off by the time he retires. So, that's where we're at.

D. Johnting: And we would like for you to be able to do it and other folks in your specific situation to be able to do it and maybe not have to go through a variance process.

D. Fisher: And I appreciate that.

D. Johnting: Be patient and we'll figure out a way to get through all the dominoes fell after we. On the day they discussed this I was in surgery so. I didn't have a lot of time, we haven't a chance to talk about it and this is our first meeting on it.

D. Fisher: I appreciate it because that's all we're asking for some help to try to get it done and get it done we're wanting to do the proper steps want to be able to do it because this is something that

they're going to be able to have in the future, so it's not something that's going to be sold off. After my wife and I are gone. We just want to make sure we got a place to stay as long as we're living after that if they want to get rid of mobile home that's totally. Fine. I don't care you know and that's probably what they'll do. But that's.

D. Johnting: And then they'll be conforming.

D. Fisher: Or they can just let it sit there. I don't know. I'll be gone so it wouldn't matter to me.

D. Johnting: That's my job. It's very stressful.

D. Fisher: My main thing is right now is for them to be able to establish a home and for us to continue to live in our home that we're living in. If I go first I'd like to know my wife's got a place to live you know and that's all I'm really interested in right there.

J. Welch: But I think we got the idea. We'll get something put together for the next meeting in writing. And then what will happen is this board will consider it they'll make a recommendation then, then that will go to the county and the county will have the final say on changing the text of the zoning ordinance which is what we're looking at doing so. There will be a couple of month process but I think we're all on the same page you know. I think everybody understands?

D. Johnting: Anyone have any comments or questions? Does it all make perfect muddy sense? What the issues are and everything? What the goals are?

T. Kerns: I think we've got what we wanted.

D. Johnting: Once you put something on a list for a variance you're just going to get all different scenarios and we can nail this specific issue down. And it shouldn't be dozens of people like it could be for a variance.

D. Fisher: And also just to make it clear. He has a permit to have it tore down, but I've asked him to hold off until you get this situation taken care of so.

T. Kerns: You might also before that make sure you have someone come out and have inspections make sure he get a septic system on the property before he builds. Because he can somewhat upgrade that septic and you can rebuild that existing house but if you tear it down and you can't put a new septic there. You should have somebody come out and do a soil sample.

D. Johnting: Where's is the septic for that? Would you have to drive over it to build a new house or anything I was worried about that?

D. Fisher: No so the existing house is setting up. I got a picture of my phone. Is it okay if I show you?

D. Johnting: I just wondered if it was behind the house, in front of the house?

D. Fisher: Yeah, it's off to the side but there's it's weird. It's out where the yard is so it's like.

D. Johnting: I mean is there a chance he's wanting to use that or.

D. Fisher: No, he's not wanting to use that no because what he's wanting to build is so the house is here. He's wanting to build here, back over here. So, like I said which takes like this house is here and the septic is over here and then our house is over here.

D. Johnting: Hey if he's putting in a new one there my concern was if he was using one it would get driven over while you're trying to build the new.

D. Fisher: No no in fact where he's wanting to do it wouldn't even be driven over at all. So the driveway comes up and around and then he was wanting actually to take the driveway and make it a u because he works for a construction company called Dig It and sometimes he has a big trucks he's going to drive in that he parks there so he was wanting to make the drive just u round to where the existing house then driveway would get right where the one that the one to tear down is so.

D. Johnting: Hopefully, they'll approve septic and that would be as long as.

J. Welch: It's going to be similar to what we did for the tornado.

D. Johnting: So, setbacks are met.

T. Kerns: Question? Does the mobile home have its own septic?

D. Fisher: Yes.

T. Kerns: Sometimes they are combined in that's why I was just curious.

D. Johnting: Yes every residence has to have it's own septic.

D. Fisher: Yeah, the fact the builder who was going to tear down the house was going I'm not sure if I'm using the correct terminology but collapse the existing septic that was there. We've already had it emptied out and everything so but that's already been dealt with. Just waiting for the rest of us so we can move forward there but like I said I'm asked him to kind of hold off until we can get this issue worked out because I don't want him spending tons of money and then suddenly somebody says oh you can't do this. You know which is kind of where we were afraid we were at and he's like so. You know what do you do. But again I appreciate that very much so.

T. Kerns: Still a couple months away.

D. Johnting: Well I think it's a small group but smaller than it would be if we opened it up for anybody getting the variance because variance would mean they wouldn't have to be an existing lot. Any lot.

J. Reece: On your property there's two acres and there's a house and a trailer.

D. Fisher: Yes.

J. Reece: What are their structures are on the property?

D. Fisher: There's a there's a barn which also is going to be torn down. And then there's another little storage building that's basically falling down by us too. Those are going to be torn down and then there's a, the garage which I keep my mower and stuff in. Other than that then there's another little building over there or building that we have that we use for a family gathering and stuff.

J. Reece: Is it a church?

D. Fisher: It was a church, we just use it for family gatherings and stuff now. I mean it's got a church sign and everything but we don't have nobody outside of our family that comes there. So, we just kind of use it for special gatherings.

D. Johnting: Does it have restrooms in it?

D. Fisher: It don't have no restrooms or nothing that it's just it's got heat and electric and that's it.

D. Johnting: I didn't actually count but you know you have eleven structures on your property card. I don't know if that's right or not. I thought eleven! That's counting concrete porches and everything. And that's your mobile home and your addition on it that I just.

D. Fisher: So, we tore down one of the buildings this past summer it was a little chicken house it wasn't even on foundation.

D. Johnting: You might want to tell them on the assessor's office because I think there's still taxing you for it.

D. Fisher: Okay, it was a chicken house. It wasn't even on a foundation and that we took we took.

D. Johnting: Yeah there's two poultry barns, pole barn, garage, a church, mobile home, your additional to the mobile home, and the old house. It's eleven altogether so you might want to check that out.

D. Fisher: Yeah, okay.

D. Johnting: It will be a lot less when you get ready to build. But make sure to get your demo permit because that's how it will get taken off.

D. Fisher: Thank you.

President Calhoun: Thank you. Any other old business?

D. Johnting: Does everybody think that sound like a good plan?

J. Welch: We need it written up and see. We might still like it after.

T. Kerns: I think that sounds perfect. I think it basically accomplishes what we're looking to accomplish.

D. Johnting: I don't know that anyone else would really have been in a position to be denied anything they don't have. Not allowing them to get a variance for something that they didn't have in

the first place. Then that would make our workload less trying to decide who qualifies and who doesn't live in their house and there's three houses...

President Calhoun: Okay, is there anything else?

D. Johnting: Meeting next month. Governor Isaac Gray coming back—II and III.

President Calhoun: If there's nothing else I'd entertain a motion to adjourn.

Vice President Applegate: So moved.

President Calhoun: Thanks for coming everybody.

President, Don Calhoun

Vice President, Coy Applegate

Recording Secretary, Kristina Halloran